

REMARKS

The Applicants have carefully considered the issues raised by the Examiner in the Office Action mailed on March 28, 2002 and respond as follows:

Claim Rejections -- 35 USC § 112

1. Claims 4-14 have been objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from other multiple dependent claims.
2. Claims 1-14 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for containing parenthetical limitations.

When the application was filed, the Applicants filed a Preliminary Amendment, which corrected the improper multiple dependent claims and removed the parenthetical limitations. The Application Transmittal Letter indicates that a Preliminary Amendment was filed with the application and the date stamped post card (a copy is attached hereto as Exhibit A) provides proof that the Preliminary Amendment was filed.

For whatever reason, the Preliminary Amendment filed with the application was not considered by the Examiner. Accordingly, the present Amendment addresses the issues raised by the Examiner by amending the claims to delete the multiple dependent claims and the parenthetical limitations. In addition, the Specification has been amended to reflect the amendments to the Specification that were made in the Preliminary Amendment.

Claim Rejections -- 35 USC § 103

Claims 1-3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over an English translation of the Abstract of JP09277196A provided by Derwent. The Examiner cites the Derwent translation as teaching a “film, e.g. sheet material, paper, metal foil -- involves using cutting patterns formed by irradiation of laser beam’ with subsequent blade cutting.” See page 3 of Office Action. The Applicants respectfully submit that the Derwent translation of the Abstract relied on by the Examiner is incorrect and significantly mischaracterizes the teachings of JP09277196A.

The Applicants have obtained an English translation of the Abstract of JP09277196A from the European Patent Office (EPO) website (a copy is attached hereto as Exhibit B), which describes the invention as follows:

PROBLEM TO BE SOLVED: To conduct both stamping and half-cutting with high productivity, accurately determining both punching position and half-cutting position to a film. **SOLUTION:** A film 11 is supplied to a female drum 14 of a rotary die cutter 12 provided with both a male drum 13 and the female drum 14 in such a manner that the film 11 is wound round the drum 14. By using a raser beam irradiating means 18, **a raser beam is irradiated to the film 11 on the female drum 14 in order to form a half cut 2.** Next, **by using a cutting edge of the male drum 13, the film 11 is stamped into a product 1 having a shape as desired.** With this, the positional accuracy of the half-cutting position to the stamping position (the external shape of the product 1) can be heightened, and moreover the productivity can be heightened as well. (Emphasis added.)

According to the English translation of the Abstract obtained from the EPO, the raser (i.e., laser) is used to form a half cut in the film and the rotary die cutter is used to stamp the film into a product. Contrary to the Derwent translation cited in the Office Action, the EPO

translation neither states nor suggests that the laser is used to form a “pattern” for the cutting blade.

In addition, the Applicants are submitting herewith a computer English translation of JP09277196A (a copy is attached hereto as Exhibit C), which is not a complete translation and may not reflect the original precisely, but provides information that the Applicants believe is useful in understanding the teachings of the reference. The computer translation is substantially in agreement with the EPO translation and does not disclose the use of a laser to form cutting patterns.

The computer translation of JP09277196A discloses a method for processing a film using laser beam tools 18 and a rotary die cutting tool 12 to form a wrapping or packaging as shown in Figures 3 and 9-11. The laser beam tools 18 form half-cuttings 2 into the film 11 to produce a predetermined breaking point or a tear strip within the packaging to ease opening of the packaging. Figure 2 shows the laser beam tools 18 forming half-cuttings 2 within the film 11 in the traveling (or machine) direction of the film 11. Moreover, Figures 1- 4 show rollers 13 and 14 of the rotary die cutting tool 12, wherein the roller 13 includes cutting dies 13a forming cuts within the film 11 in the traveling direction of the film 11 as well as perpendicular to the traveling direction of the film 11. The cutting dies 13a cut through 100% of the thickness of the film 11 to define the outer shape of the packaging. The half cutting 2 formed by the laser beam tool 18 is not cut through by the cutting dies 13a, but remains part of the product to provide easy opening of the packaging formed from the film.

The computer translation discloses that the rotary cutting die and the laser perform two separate operations on the film; shape forming by the cutting die and half-cutting by the laser. See paragraphs [0007] and [0008]. The invention in JP09277196A is intended to precisely position the area of half-cutting on the formed product. “By this configuration, the location precision of a punching location and a laser beam processing location can be kept highly precise.” Paragraph [0007]. Moreover, FIG. 7 of JP09277196A clearly shows that the laser cutting can take place after the rotary die cutting is completed. Thus, the laser half-cutting is not being used to form a pattern to guide the rotary die cutting, but is an independent half-cutting operation. Both the EPO translation and the computer translation disclose separate laser and die cutting operations and are consistent with the drawings, in particular FIG. 7.

The computer translation states in paragraph [0009] that:

The film made into the object of this invention is arbitrary . . . it can carry out half cutting of the laminated film which contains metal layers, such as aluminum foil and aluminum vacuum evaporation, as an internal layer to the fixed depth to the location of a metal layer by carrying out the laser beam exposure of the layer of one side of a metal layer.

JP09277196A teaches that the laser beam is used to remove the resin or paper layers, but is not used to remove the metal layer. In contrast, the method of the present invention uses a laser beam to remove the decorative layer of a foil, wherein the decorative layer may contain a metal layer. The specification explains at page 4, lines 20-25 that the laser is used to cut the decorative layer to avoid flaking or chipping and to minimize the level of blade wear. JP09277196A neither teaches nor suggests the advantages of using a laser beam to remove a

metal layer from a laminate to make it easier to cut the underlying carrier layer. Moreover, JP09277196A teaches away from cutting a metal layer with a laser beam.

The statement in the Derwent translation regarding “using cutting patterns formed by irradiation of laser beam on film as guide by blades on lower roller of die cutter to cut film” is unclear and confusing. This interpretation is contradicted by FIG. 7 (as discussed above), which shows the foil being irradiated after it is cut with the rotary die cutter. Moreover, the die cutter blades on the lower roller are in a fixed position and there is no teaching nor suggestion that they can be positioned or “guided” by a laser formed pattern. There is no explanation of why a pattern is necessary to “guide” fixed rotary cutting blades. Accordingly, the Applicants respectfully submit that the Derwent translation of JP09277196A is incorrect and that JP09277196A does not teach patterns that are used to “guide” the rotary cutting blades.

The Applicants have not submitted a certified translation of JP09277196A because they did not want to delay the filing of their Petition to Revive an Unintentionally Abandoned Application. However, if the Examiner deems it to be necessary, the Applicants will submit a certified translation.

Serial No. 09/646,944
Amendment in Response to
March 28, 2002 Office Action

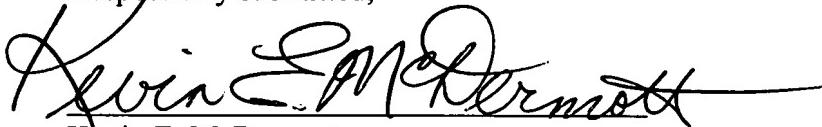
Docket No. 1093-29 PCT/US

CONCLUSION

The amendments to the claims have corrected the improper multiple dependent claims and the deleted the parenthetical limitations. Moreover, the EPO English translation of the Abstract of JP09277196A and the computer English translation of the specification show that the laser is not intended to form a pattern to guide the rotary cutting blades. Accordingly, the Applicants respectively request that the Examiner withdraw the rejections based on JP09277196A and allow the claims.

If the Examiner has any questions relating to this amendment, the Examiner is respectfully invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,



Kevin E. McDermott
Registration No.: 35,946
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550

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